

Regular Session, 2010

HOUSE BILL NO. 1389

BY REPRESENTATIVE LIGI

TAX/PROPERTY: Provides relative to tax sales and adjudicated property

1 AN ACT

2 To amend and reenact R.S. 47:2202(A), 2203(C), and 2204, relative to the sale of
3 adjudicated property; to exempt certain property sales from the minimum bid
4 requirements for adjudicated property; to provide relative to advertising requirements
5 for multi-property sales; to provide relative to certain public sales by a political
6 subdivision; to provide for certain limitations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:2202(A), 2203(C), and 2204 are hereby amended and reenacted
9 to read as follows:

10 §2202. Minimum bid prices; sale of adjudicated property

11 A.(1) The governing authority of each political subdivision may elect to set
12 a dollar amount as a minimum bid for the public sale of adjudicated property, which
13 shall be at least the total amount of statutory impositions, governmental liens, and
14 costs of sale. The governing authority of each political subdivision may elect also
15 to require an appraisal of adjudicated property to be sold at public sale. If the
16 political subdivision elects to use the appraised value to establish a bidding floor
17 instead of setting a dollar amount minimum bid as allowed by this Section, the
18 political subdivision shall appoint a licensed appraiser to appraise and value the
19 property. The minimum bid at the first public sale shall be at least two-thirds of the
20 appraised value of the property. If the property fails to sell at the first public sale,

the minimum bid at the second sale shall be one-third the appraised value of the property.

(2) Multi-property sales shall be exempt from the minimum bid requirements provided for in Paragraph (1) of this Subsection when a cooperative endeavor agreement exists between all taxing entities authorizing the public sale. A subsequent ordinance from the governing authority shall be required to approve the sale.

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§2203. Pre-bidding procedures; sale of adjudicated property

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C.(1) Advertisement. A public sale shall be advertised twice in the official journal for the political subdivision, once at least thirty days prior to the date of the public sale, and once no more than seven days prior to the date of the public sale. The advertisement shall provide for the minimum bid, the latest date written bids will be accepted, the time and date of in-person bidding, and any other terms of sale.

(2) Multi-property public sales. If a political subdivision elects to have a multi-property public sale, the advertisement shall provide for the date and time for in-person bidding and all other terms of the sale.

§2204. Additional terms of ordinance; sale of adjudicated property

The ordinance allowing for the public sale of adjudicated property may provide that the public sale may be subject to terms and conditions imposed by the political subdivision in the ordinance. The political subdivision may also authorize a public sale at a price determined by the highest bidder. An ordinance may provide that a subsequent ordinance is required to approve the sale.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ligi

HB No. 1389

Abstract: Authorizes a political subdivision to exempt multi-property sales from minimum bid requirements for adjudicated property and provides relative to the advertising requirements for multi-property sales.

Present law authorizes the governing authority of each political subdivision to set a dollar amount as a minimum bid for the public sale of adjudicated property, which shall be at least the total amount of statutory impositions, governmental liens, and costs of sale. Further authorizes a governing authority to elect to require an appraisal of adjudicated property to be sold at public sale. If the political subdivision elects to use the appraised value to establish a bidding floor instead of setting a dollar amount minimum bid, the political subdivision shall appoint a licensed appraiser to appraise and value the property. The minimum bid at the first public sale shall be at least two-thirds of the appraised value of the property. If the property fails to sell at the first public sale, the minimum bid at the second sale shall be one-third the appraised value of the property.

Proposed law retains present law but adds a provision that multi-property sales shall be exempt from the minimum bid requirements provided for in present law when a cooperative endeavor agreement exists between all taxing entities authorizing the public sale. Further provides that a subsequent ordinance shall be required from the governing authority to approve the sale.

Present law requires a public sale to be advertised twice in the official journal of the political subdivision. The advertisement shall provide for the minimum bid, the latest date written bids will be accepted, the time and date of in-person bidding, and any other terms of sale.

Proposed law retains present law but adds that if a political subdivision elects to have a multi-property public sale, the advertisement shall provide for the date and time for in-person bidding and all other terms of the sale.

Present law provides that the ordinance allowing for the public sale of adjudicated property may provide that the public sale may be subject to terms and conditions imposed by the political subdivision in the ordinance.

Proposed law retains present law but adds authority for a political subdivision to authorize a public sale at a price determined by the highest bidder.

(Amends R.S. 47:2202(A), 2203(C), and 2204)